

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE:

MEDCO/EXPRESS SCRIPTS MERGER  
LITIGATION

Civil Action No. 11-4211(DMC)(MF)

ORDER

THIS MATTER having come before the Court by way of conference call on October 18, 2011, and the parties consenting hereto, and good cause appearing,

IT IS on this 24 day of October, 2011,

ORDERED as follows:

1. The parties shall meet and confer regarding any objections to Plaintiffs' outstanding document requests on or before October 24, 2011.
2. The parties shall begin the production of core documents (*i.e.*, board minutes, presentations, banker materials, and drafts of merger agreements) on or before October 28, 2011.
3. The parties shall make a good faith effort to substantially complete document production, subject to objections and subsequent and follow-up document requests, on or before November 8, 2011.
4. Fact depositions may commence on or after November 11, 2011 and shall be completed on or before December 2, 2011.
5. To the extent any discovery takes place in currently pending litigation in other jurisdictions on a more accelerated basis than that which is set forth herein, the above dates shall be deemed modified to correspond to those more accelerated dates. Similarly, to the extent that defendants make a more accelerated production of any

discovery materials in any other jurisdiction, they shall serve those materials on plaintiffs in this action simultaneously.

6. Plaintiffs may file an application for preliminary injunction at any time they deem such application appropriate.

7. The parties may, by mutual consent, modify any dates on the above schedule without Court approval.

8. This Order shall not constitute a waiver of any rights or defenses by Defendants, including in connection with Defendants' pending motion pursuant to 28 U.S.C. § 1292(b) for an order certifying for interlocutory appeal this Court's Order, dated September 19, 2011 (the "Motion for Interlocutory Appeal"), and request for stay of these proceedings pending resolution of the interlocutory appeal, or Defendants' opposition to Plaintiffs' pending motion for class certification.

  
MARK FALK, U.S.M.J.